

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2146

1 AN ACT TO ENACT THE UNCREWED AIRCRAFT SYSTEMS' RIGHTS AND
 2 AUTHORITIES ACT; TO DEFINE TERMS; TO PROVIDE THAT NOTHING IN THE
 3 ACT SHALL PREEMPT FEDERAL LAW; TO PROVIDE THAT AN INDIVIDUAL, IN
 4 COMPLIANCE WITH FEDERAL LAW, MAY OPERATE AN UNCREWED AIRCRAFT
 5 SYSTEM FOR RECREATIONAL PURPOSES WITHIN THIS STATE; TO PROVIDE
 6 THAT AN INDIVIDUAL OR BUSINESS ENTITY, DOING BUSINESS LAWFULLY
 7 WITHIN THIS STATE AND IN COMPLIANCE WITH FEDERAL LAW, MAY OPERATE
 8 OR USE AN UNCREWED AIRCRAFT SYSTEM FOR COMMERCIAL PURPOSES WITHIN
 9 THIS STATE; TO PROVIDE THAT A PERSON MAY BE GUILTY OF AN OFFENSE
 10 COMMITTED WITH THE AID OF AN UNCREWED AIRCRAFT SYSTEM IF THE
 11 ACTIVITY PERFORMED WITH THE AID OF THE UNCREWED AIRCRAFT SYSTEM
 12 WOULD HAVE GIVEN RISE TO LIABILITY IF IT WAS PERFORMED DIRECTLY BY
 13 THE PERSON WITHOUT THE AID OF AN UNCREWED AIRCRAFT SYSTEM; TO
 14 PROVIDE LIABILITY FOR AERIAL TRESPASS AND INVASION OF PRIVACY; TO
 15 PROVIDE FOR THE REGULATORY AUTHORITY OF THE STATE AND ITS
 16 POLITICAL SUBDIVISIONS; AND FOR RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** This act shall be known and may be cited as the
 19 "Uncrewed Aircraft Systems' Rights and Authorities Act."

20 **SECTION 2.** As used in this act, the following terms shall
 21 have the meanings herein ascribed unless the context clearly
 22 indicates otherwise:

23 (a) "Airspace" means the space above the land and
 24 waters of this state.



25 (b) "Uncrewed aircraft" means an aircraft that is
26 operated without the possibility of direct human intervention from
27 within or on the aircraft.

28 (c) "Uncrewed aircraft system" means an uncrewed
29 aircraft and associated elements, including communication links
30 and the components that control the uncrewed aircraft, that are
31 required for the pilot in command to operate safely and
32 efficiently in the national airspace system.

33 **SECTION 3.** (1) An individual, in compliance with federal
34 law, may operate an uncrewed aircraft system for recreational
35 purposes within this state.

36 (2) An individual or business entity, doing business
37 lawfully within this state and in compliance with federal law, may
38 operate or use an uncrewed aircraft system for commercial purposes
39 within this state.

40 (3) An owner of an uncrewed aircraft or uncrewed aircraft
41 system shall not be required to register such aircraft or system
42 beyond what may be required by Federal Aviation Administration
43 rules.

44 (4) The operation of an uncrewed aircraft system, in
45 accordance with federal law, in airspace does not, standing alone,
46 give rise to legal liability under the laws of this state or its
47 political subdivisions.



48 **SECTION 4.** (1) This act applies to the operations of all
49 uncrewed aircraft systems and the acts of those who own, control
50 or operate such systems, or are affected by such operations.

51 (2) An uncrewed aircraft system is an instrumentality by
52 which a tort can be committed under the laws of this state.

53 (3) An uncrewed aircraft system is an instrumentality by
54 which a crime can be committed under the laws of this state.

55 (4) A person is liable for an act or guilty of an offense
56 committed with the aid of an uncrewed aircraft system if the
57 uncrewed aircraft system is under the person's control and the
58 activity performed with the aid of the uncrewed aircraft system
59 would have given rise to civil or criminal liability under the
60 laws of this state, if it was performed directly by the person
61 without the aid of an uncrewed aircraft system.

62 (5) An uncrewed aircraft can be the instrumentality by which
63 a tort in violation of privacy rights may be committed under
64 federal or state law.

65 **SECTION 5.** (1) Operation of an uncrewed aircraft over real
66 property, where the aircraft at no point lands on the property or
67 comes into contact with structures or natural features on the
68 property, does not constitute trespass to land or any violation of
69 law based on intrusion onto land.

70 (2) Notwithstanding subsection (1) of this section, a person
71 is civilly liable for aerial trespass if the person intentionally,



72 and without the consent of the land possessor, operates an
73 uncrewed aircraft such that the aircraft:

74 (a) Enters into the immediate reaches of the airspace
75 next to the land; and

76 (b) Interferes substantially with the possessor's use
77 and enjoyment of his or her land.

78 **SECTION 6. Regulatory authority.** (1) The state, through a
79 duly adopted and enforceable agency-issued rule or regulation or
80 other grant of authority, may:

81 (a) Provide for the operation of an uncrewed aircraft
82 system by or on behalf of the state or that is owned by the state;
83 and

84 (b) Provide for or prohibit:

85 (i) The launch of an uncrewed aircraft from
86 property owned by the state;

87 (ii) The intentional landing of an uncrewed
88 aircraft onto property owned by the state; or

89 (iii) The presence of a pilot actively in command
90 of such uncrewed aircraft system on property owned by the state.

91 (2) (a) Except as otherwise expressly provided in this
92 section, a political subdivision may not enact or enforce an
93 ordinance that relates to the:

94 (i) Ownership, operation, design, manufacture,
95 testing, maintenance, licensing, registration, or certification of



96 an uncrewed aircraft system, including, but not limited to,
97 airspace, altitude, flight paths, or equipment requirements; or

98 (ii) Qualifications, training, or certification of
99 a pilot, operator, or observer of an uncrewed aircraft system.

100 (b) This subsection does not limit the authority of a
101 political subdivision to:

102 (i) Adopt an ordinance that enforces Federal
103 Aviation Administration restrictions;

104 (ii) Adopt or enforce an ordinance that relates to
105 the operation of an uncrewed aircraft system:

106 1. By or on behalf of such political
107 subdivision; or

108 2. That is owned by such political
109 subdivision;

110 (iii) Adopt or enforce generally applicable
111 ordinances that relate to nuisances, voyeurism, harassment,
112 reckless endangerment, property damage, or other illegal acts
113 arising from the use of uncrewed aircraft systems, so long as such
114 ordinances are not specifically related to the use of an uncrewed
115 aircraft system for those illegal acts; or

116 (iv) Adopt or enforce an ordinance, subject to
117 paragraph (c) of this subsection, that regulates:

118 1. The launch of an uncrewed aircraft from
119 property owned by the political subdivision;



120 2. The intentional landing of an uncrewed
121 aircraft onto property owned by the political subdivision; or

122 3. The presence of a pilot actively in
123 command of such uncrewed aircraft system on property owned by the
124 political subdivision.

125 (c) Any ordinance that violates this subsection
126 (2), whether enacted or adopted by a political subdivision before
127 or after the date of enactment of Uncrewed Aircraft Systems'
128 Rights and Authorities Act, is null.

129 (3) (a) A rule or regulation adopted under subsection
130 (1)(b) of this section or subsection (1)(b)(iv) of this section
131 shall not be enforceable:

132 (i) Until the full text of such measure, including
133 all properties covered by such measure, has been reported to the
134 Secretary of State and published on its public website in
135 accordance with the Administrative Acts and Procedure Law; and

136 (ii) If such measure includes public property,
137 unless:

138 1. The duration of such measure, as it
139 applies to a public property, is no more than two (2) years and
140 requires affirmative renewal by the state or political
141 subdivision, for no more than two (2) years; and

142 2. In the case of a political subdivision,
143 there is other similar public property owned by the political



144 subdivision and within the jurisdiction of such political
145 subdivision.

146 (4) Nothing in this section shall be construed to prohibit:

147 (a) The take-off or landing of an uncrewed aircraft as
148 deemed reasonable or necessary by private or public entities for
149 emergency or maintenance support functions or services, including
150 the protection and maintenance of public or private critical
151 infrastructure;

152 (b) The landing of an uncrewed aircraft by an operator
153 in compliance with Federal Aviation Administration regulations as
154 deemed reasonable or necessary by the operator in the event of a
155 technical malfunction of an uncrewed aircraft system;

156 (c) The take-off or landing of an uncrewed aircraft
157 being operated by a sworn public safety officer in the performance
158 of his duties; or

159 (d) The take-off or landing of an uncrewed aircraft
160 owned or operated by the United States government, or any operator
161 under contract with any agency of the United States government, in
162 performance of his assigned duties.

163 (5) Nothing in this section shall be construed to permit
164 state or local regulation of uncrewed aircraft operations in
165 airspace over land owned by the state or a political subdivision.

166 **SECTION 7.** Nothing in this act shall preempt the exclusive
167 sovereignty of airspace of the United States as set forth in
168 federal law. Any interpretation or application of any provision



169 of this act that contradicts the exclusive authority of the United
170 States government to regulate the operation of uncrewed aircraft
171 and uncrewed aircraft systems in the airspace of the United States
172 shall be null.

173 **SECTION 8.** This act shall take effect and be in force from
174 and after July 1, 2023.

